



Minutes

State Health Services Council Meeting

Department of State Health Services
Robert E. Moreton Building, M-739
1100 W. 49th Street, Austin, Texas
Wednesday, January 31, 2007
10:00 a.m.

Chair's Welcome and Introduction of Guests: Dr. Arredondo called the meeting to order at 10:05 a.m.

Members Present:

Dr. Rudy Arredondo, Council Chair - Lubbock
Dr. Lewis Foxhall - Houston
Ms. Graciela Cigarroa - San Antonio

Ms. Beverly Barron - Odessa
Dr. Jacinto Juarez - Laredo
Ms. Glenda Kane - Corpus Christi

Members Absent:

Mr. James Springfield - Harlingen
Dr. Jaime Davidson - Dallas
Dr. Jeffrey Ross - Houston

Registered Guests: Frank Davis, Kelley Chou, Robin Peyson, Sandy Skelton, Mike Halligan, Aaryce Hayes, Richard Hansen represented by Aaryce Hayes, Beth Epps, and Donald Lee.

Agenda Item #1 - Approval of Minutes: Motion by Dr. Jacinto Juarez to approve the minutes from the October 5, 2006 DSHS Council meeting, seconded by Graciela Cigarroa. Motion carried. See <http://www.dshs.state.tx.us/council/minutes/100506.pdf> for meeting minutes.

Agenda Item #2 - Introduction of New Commissioner and Associate Commissioner: Dr. Charles Bell thanked the Council, executive staff and all DSHS for their support. He also introduced Dr. David Lakey and Ben Delgado. Dr. Lakey has been selected as the new Commissioner of the Department of State Health Services and Ben Delgado as the Associate Commissioner to assist Dr. Lakey in providing support to DSHS operating and business functions.

Agenda Item #3 - Update on DSHS FY08-09 Legislative Appropriation Request: Machel Pharr provided a brief update on the LAR. The latest DSHS FY08-09 LAR can be found at: <http://www.dshs.state.tx.us/budget/lar/default.shtm>

Agenda Item #4 - Legislative Session Update: Kirk Coke provided an update on the upcoming 80th Legislative Session, which started on January 9th. At the time of his report, 1350 bills had been filed, of these, DSHS is tracking 194. Dr. Foxhall requested regular updates regarding the legislative session, Kirk will provide updates to staff and the Council.

Agenda Item #5 –Recommend to the Health and Human Services Commission (HHSC) proposal of the following rule actions for public comment* (public comments will be taken with each rule discussion):

- a) New rules concerning the process for Local Mental Health Authority to assemble and maintain a network of service providers (provider of last resort). Randy Fritz reported that these rules were developed in response to Executive Order RP 45, which required that a plan be developed to implement Section 533.035 (e) through (g) of the Texas Health and Safety Code. A negotiated rulemaking process was used to develop the proposed rules, in accordance with the requirements of Tex. Govt. Code ch. 2008, concerning Negotiated Rulemaking. DSHS appointed a negotiated rulemaking committee, which first met on October 10, 2006, and continued to meet over the course of the next several months, totaling more than 100 hours of discussion and negotiations presided over by facilitators appointed by DSHS. On January 10, 2007, the negotiated rulemaking committee produced a proposed rule that had the consent of all parties. In addition, the negotiated rulemaking committee has submitted additional recommendations regarding the implementation of the rules.

Beverly Barron introduced the rule and Randy Fritz provided rule overview. Motion by Dr. Jacinto Juarez to recommend HHSC approval for publication of the rules contained in item 5(a), seconded by Beverly Barron. Motion carried. Public Comment: The following individuals provided comment in support of the rule: Donald Lee, Beth Epps, Aaryce Hayes for Richard Hanson, Aaryce Hayes, Mike Halligan, Sandy Skelton, and Robin Peyson. Kelly Chou spoke against the rule.

- b) Amendments and repeal of rules concerning Institutions for Mental Diseases. DSHS administers the federal Medicaid program for Institutions for Mental Diseases and establishes by rule the criteria for Medicaid reimbursement of inpatient hospital services provided by hospitals that contract with DSHS to provide care and treatment to individuals with mental diseases aged 65 and older.

Beverly Barron introduced the rule and Peggy Perry provided rule overview. Motion by Dr. Jacinto Juarez to recommend HHSC approval for publication of the rules contained in item 5(b), seconded by Beverly Barron. Motion carried. No public comment provided.

- c) Repeals and new rules concerning the registration of sanitarians. Existing rule text is being transferred and updated in the new rules. No significant changes are proposed and no new requirements are being imposed on applicants or registrants. The rules clarify that applicants may pass the examination required for registration either as a Texas candidate or as a part of the National Environmental Health Association Registered Environmental Health Specialist/Registered Sanitarian certification process.

Dr. Lewis Foxhall introduced the rule and Yvonne Feinleib provided rule overview. Motion by Dr. Lewis Foxhall to recommend HHSC approval for publication of the rules contained in item 5(c), seconded by Dr. Jacinto Juarez. Motion carried. No public comment provided.

- d) Amendment, repeal, and new rule concerning the regulation and licensing of massage therapists. This agenda item was withdrawn and not discussed. No public comment provided.
- e) Amendments and new rule concerning the licensing and regulation of chemical dependency counselors. The proposed new rule and amendments are necessary to: amend references to the former legacy agency; provide more testing opportunities; modify supervision requirements for counselor interns who have passed both portions of their licensing exam; improve applicable ethical standards; add renewal provisions specific to persons on or called to active military duty; provide for fee payment by personal check, consistent with other professional licensing programs, and authorize the imposition of a returned check fee; and add Texas Online usage fees.

Debbie Peterson provided rule overview. Motion by Glenda Kate to recommend HHSC approval for publication of the rules contained in item 5(e), seconded by Beverly Barron. Motion carried. Frank Davis provided public comment in support of the rule.

- f) Amendment to a rule concerning the Preparedness Coordinating Council. Amendments were done to: update legacy agency references; modify wording and punctuation of the rule for clarification; increase the number of council members from 17 to 24 to include additional members required by the Centers for Disease Control and Prevention Pandemic Influenza cooperative agreement guidance; and abolish the Hospital Preparedness Planning Committee and the Bioterrorism Preparedness and Response Committee.

Dr. Lewis Foxhall introduced the rule and Martha McGlothlin provided rule overview. Motion by Dr. Jacinto Juarez to recommend HHSC approval for publication of rules contained in item 5(f), seconded by Dr. Lewis Foxhall. Motion carried. No public comment provided.

Agenda Item #6 - General Public Comment (comments limited to 3 minutes): No public comment provided.

Agenda Item #7 - Council Operations

- a. Meeting Options - Dr. Bell reviewed the four different meeting options to include length and focus of meetings as well as committee structure where applicable. Meeting options can be found at: http://www.dshs.state.tx.us/council/agendas/011807/7a_MeetingOptions.pdf. The Council discussed the pros and cons of the different meeting options and supported meeting option 4 which calls for a 1.5 day Council meeting with no committee structure. Day one would focus on rules, action items, Commissioner's Report, policy briefings and discussion, and second day would continue with any pending items from previous day, but more focused on policy discussions and program briefings. Glenda Kane recommended that the DSHS Council get together with the DADS council every six months. Dr. Lewis Foxhall moved that the Council adopt Meeting Option 4, seconded by Glenda Kane. Motion carried.
- b. Vice Chair - The Chairman opened the floor for nominations for DSHS Council Vice Chair. Dr. Lewis Foxhall nominated Glenda Kane, seconded by Dr. Jacinto Juarez. Motion carried.

Agenda Item #8 - Staff Briefings

- a) Medicaid Reform - Maureen Milligan deputy chief of staff, HHSC, provided a brief on Medicaid reform. Medicaid Reform presentation can be found at: http://www.dshs.state.tx.us/council/agendas/011807/8_MedicaidReform.ppt.

Agenda Item #9 - Commissioner's Report

Dr. Bell provided a brief overview of the Commissioner's Report. A detailed report can be found at: http://www.dshs.state.tx.us/council/agendas/011807/9_CommiReportNov06.pdf.


- a) National Award for Health-Care Technology – The 2006 Nicholas E. Davies Award of Excellence was presented to DSHS in October for the agency's Web-based electronic health record system for substance abuse clients. This award recognizes health-care groups for their use of information technology. DSHS was recognized in the public health category for its Behavioral Health Integrated Provider System (BHIPS). BHIPS is used by counselors for conducting screenings and assessments, building treatment plans, tracking services and client progress, and collecting discharge and follow-up information for those receiving treatment.
- b) Kerrville State Hospital Maintains Joint Commission on Accreditation of Healthcare Organizations (JCAHO) Accreditation - The JCAHO surveyors complimented the staff for their openness with the survey process and commented on the staff commitment to providing quality care for their patients.

- c) Assessment of Treatment Systems for Cardiovascular Disease and Stroke - The DSHS Cardiovascular Health and Wellness Program held the Texas Statewide Heart Disease and Stroke Prevention/Treatment System Assessment in early November. Purpose of assessment is to look at the public health infrastructure in Texas that supports the prevention and treatment of heart disease and stroke. DSHS partnered with the American Heart Association, the Texas Association of Local Health Officials, the Texas Council on Cardiovascular Disease and Stroke, and the Texas Public Health Association.
- d) Implementation of Women's Health Program - In December, HHSC will provide training on the Women's Health Program, a new Medicaid waiver program offering family planning services to eligible women in Texas. DSHS is sponsoring the training through federal funds allocated to the Title X regional program and directly to DSHS. These trainings will be held in five locations throughout the state and will address covered services, eligibility, the enrollment process, and an overview of the payment-claims process. DSHS family-planning contractors have been encouraged to attend one of the training sessions, since these contractors will be primary providers of Women's Health Program services in conjunction with existing DSHS family-planning services.

Dr. Foxhall thanked Dr. Bell on behalf of the Council for making the transition so smooth.

Adjournment: Glenda Kane moved that the meeting be adjourned. The motion was seconded by Dr. Jacinto Juarez. Dr. Rudy Arredondo adjourned the Council meeting at 2:00 p.m.

Next Council meeting is scheduled for: April 12-13, 2007 at 10:00 a.m.



Dr. Rudy Arredondo, Chair

April 12, 2007

Date Approved by Council